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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,055	12/06/2001	David A. Evans	E0353/7005/PCL	6201

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WOLF GREENFIELD & SACKS, PC  
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600 ATLANTIC AVENUE  
BOSTON, MA 02210-2211

EXAMINER

DLXON, MERRICK L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

10/007,055

Applicant(s)

EVANS, DAVID A.

Examiner

Merrick Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-9, 11 and 13-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Chabrier et al(4626306) alone. The cited reference teaches the basic claimed invention including a method of making a composite comprising the steps of providing a plurality of fibers and exposing same fibers to an emulsion comprising polymer particles and allowing the particles to penetrate gaps between individual fibers- col 1, lines 55-63; col 4, lines 21-31; col 2, lines 67-68. Concerning claim 2, the cited reference teaches the claimed limitations in col 4, lines 10-20; col 5, lines 1-6. Concerning claim 3, the cited reference teaches the claimed limitations in the included abstract. Concerning claims 4 and 5, the reference teaches the claimed limitations in col 3, lines 4-6; col 2, lines 44-47; col 5, lines 34-36. Concerning claims 6-8, the cited reference teaches the claimed limitations in col 4, lines 47-50; col 5, lines 1-6. Concerning claim 9, the cited reference teaches the claimed limitation in col 4, lines 56-63. Concerning claims 13-15, the cited reference teaches the claimed limitations in col 2, lines 49-52; col 1, lines 67- col 2, line 3. Concerning claims 17 and 18, the cited reference teaches the claimed limitation in col 4, lines 23-26; col 7, lines 15-19.

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Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dyksterhouse et al(4894105) alone. The cited reference teaches the basic claimed invention including an article comprising a mixture comprising fibrous segments and polymer particles penetrating fibers in same segments- col 6, lines 44- col 7, line 7; col 9, lines 45-50; col 22, lines 3-19. Concerning claim 22, the cited reference teaches the claimed limitations in col 9, lines 45-53. Concerning claim 19, the cited reference teaches the claimed limitations in col 6, lines 44-5. Concerning claims 20, the cited reference teaches the claimed limitation in col 2, lines 60-64. Concerning claim 21, the cited reference teaches the claimed limitation in col 4, lines 10-20; col 5, line 1-5.

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Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chabrier et al(4626306) in view of Dyksterhouse et al(4894105).The cited reference teaches the basic claimed invention including a composite comprising outer layers of a core of an article comprising a mixture comprising fibrous segments and polymer particles penetrating fibers in same segments – col 7, lines 15-41; col5, lines 48-53; col 4, lines 11-20. the reference fails to expressly teach the aspect of performing multi-exposure steps on its composite material. The secondary reference, however, teaches that it known in the art to perform such claimed multi-exposure steps in similarly patented process- fig 1; col 15, lines 3-40. It would have been obvious to one of ordinary skill in the art at the time the invention is made to perform such notoriously well known multi-exposures, as taught by the secondary reference, in the absence of unexpected results, in the primary reference's patented steps. such a combination would have been obvious to further impregnate the finer strand with the polymer particles. Concerning claim 12, the cited secondary reference teaches the claimed limitations in col 22, lines 6- col 23, line 14.

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Claims 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chabrier et al(4626306) alone. The cited reference teaches the basic claimed invention including a composite comprising outer layers of a core of an article comprising a mixture comprising fibrous segments and polymer particles penetrating fibers in same segments – col 7, lines 15-41; col5, lines 48-53; col 4, lines 11-20. concerning claims 24 and 27, the cited reference teaches the claimed limitations col 7, lines 20-24. concerning claim 26, the cited reference teaches the claimed limitations in col 7, lines 25-27. concerning claim 25, the cited reference teaches the claimed limitations in its abstract.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Leon et al(5275883), Handermann(5227236), Hiraga et al(3632366), Vane(5055242), Asai et al(5529652) and Lopez et al(5593758) are cited of interest for their respective teachings as set forth.

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#### **Crystal Plaza Three Fax Center**

A facsimile center has been established in Crystal Plaza 3. The hours of operations are Mondays through Friday, 8:45 to 4:45 PM. This new location should be used in all instances when faxing any correspondence to Group 1700. The Patent Examining Fax Center new telecopier numbers are (703) 305-3599 for all After Finals and 703-305-5408 for all others. Use of the new Crystal Plaza 3 center will facilitate rapid delivery of materials to the group. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 ( November 15, 1989).

**New!** Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can now do so by using the Examiner Dixon's personal fax number at 571-27-1520. **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal.**

**Same facsimiles will not be entered** in the related applications unless otherwise noted by the examiner.

**Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703)308-0661.**

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Any questions concerning the instant communication should be directed to Examiner Dixon, at 703-308-0013, Mondays to Thursdays, between 12 noon and 8 PM, eastern time.

A handwritten signature in black ink, appearing to read "Merrick Dixon". The signature is fluid and cursive, with the first name "Merrick" being more prominent than the last name "Dixon".

Merrick Dixon

Primary Examiner

Group 1700